

**REMARKS**

In an Office Action dated October 5, 2007, the Examiner rejected Claims 18-22 under 35 U.S.C. §102(b) as being anticipated by Abbenhouse et al.; rejected Claims 1-6, 9, 10, and 18-22 under 35 U.S.C. §103(a) as being unpatentable over Abbenhouse et al. in view of Sweetland; and rejected Claims 7-8 under 35 U.S.C. §103(a) as being unpatentable over Abbenhouse et al. in view of Sweetland, and further in view of Bruce. These rejections are respectfully traversed. Claims 1-10 and 18-22 are pending in this application. Applicants have carefully reviewed the Examiner's rejections and comments as found in the Office Action dated October 5, 2007 and provide the following remarks regarding the Office Action.

**Claim Rejection - 35 USC § 102(b)**

The Examiner has rejected Claims 18-22 under 35 U.S.C. §102(b) as being anticipated by Abbenhouse et al. For a *prima facie* case of anticipation to be established, the Examiner must show that, each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131

Abbenhouse et al. teaches a kayak paddle 30 that includes blades 34 that are spoon-shaped. The blades 34 have a concave front face and a convex back face; the concave front face has a center stiffening rib 36 that has a semi-cylindrical shape that extends the length of the blade 34. The convex back face has a back face stiffening rib 40 that splits into two branches 43 and 44. The bifurcated or forked back face rib 40 is located on the back face of the blade 34. The stiffening rib 36 is semi-cylindrical-shaped and not bifurcated- or forked-shaped. Further, Abbenhouse et al. teaches a composite skeleton comprising a first preselected fiber preform 70, a second preselected fiber preform 70, and a molded bifurcated foam core 75 interposed between the first preselected fiber preform 70 and the second preselected fiber preform 70. Thus, Abbenhouse et al. teaches at least a three piece skeleton. A cover sheet is placed on the external surfaced of the first preselected fiber preform 70, a second preselected fiber preform 70 and they are all pressed under pressure in a two-part clam-shell mold 50; the blade 34 is not injection molded. (Col. 3, Lns. 6-34; Figs. 1-1B; Col. 5, Lns. 4-38)

Abbenhouse et al. does not teach at least three ribs that extend distally from the longitudinal centerline of the skeleton towards the outer periphery of the paddle blade. Further, Abbenhouse et al. does not teach a paddle blade that has a single-piece skeleton and an injection molded outer surface that encloses and directly contacts the single-piece skeleton. Applicants have amended Claim 18 to clarify that the skeleton is a single-piece skeleton that has at least three ribs that extend distally from the longitudinal centerline of the single-piece skeleton, and that the outer surface is

injection molded enclosing the single-piece skeleton. Applicant respectfully submits that this reference does not teach each and every claim element of the Applicant's application as amended herein, and thus does not establish a *prima facie* case of anticipation. Therefore, it is believed that these rejections are overcome and amended Claim 18 is allowable under 35 U.S.C. §102(b). Claims 19-22 depend from and include all the limitations of amended Claim 18, thus they are also believed to be allowable under 35 U.S.C. §102(b).

**Claim Rejection – 35 USC §103(a)**

The Examiner rejected Claims 1-6, 9, 10, and 18-22 under 35 U.S.C. §103(a) as being unpatentable over Abbenhouse et al. in view of Sweetland. For a *prima facie* case of obviousness to be established, the following factual inquiries as enunciated in *Graham* must be determined: (A) determining the scope and contents of the prior art; (B) ascertaining the differences between the prior art and the claims at issue; (C) determining the level of skill in the pertinent art; and (D) evaluating any evidence of secondary considerations. Further, in *KSR*, a number of rationales for supporting a conclusion of obviousness consistent with the "functional approach" in *Graham* were laid out. Additionally, it is key that the Examiner articulate their reason why the claimed invention would have been obvious. (MPEP 2143) Applicant respectfully submits that the Abbenhouse reference in view of the Sweetland reference neither forms the basis of nor establishes a *prima facie* case of obviousness.

As discussed above, Abbenhouse et al. does not teach at least three ribs that extend distally from the longitudinal centerline of a single-piece skeleton towards the outer periphery of the paddle blade. Further, Abbenhouse et al. does not teach a paddle blade that has a single-piece skeleton and an injection molded outer surface that encloses and directly contacts the single-piece skeleton. Additionally, the Abbenhouse reference discloses two branches 43 and 44 that "diverge out toward the blade tip 39, but terminate short of the blade tip 30." (Col. 3, Lns. 18 -20) As can be seen from Figures 1A and 1B of the Abbenhouse reference, the branches do not extend distally from the longitudinal centerline of its body towards the outer periphery of the paddle blade where they end substantially at the outer periphery of the paddle blade. Thus, these branches do not provide the same magnitude of lateral and longitudinal support to the blade tip and outer tips of the blade as the skeleton and ribs of the present application.

Claims 1 and 18 has been amended to clarify that the blade has a skeleton that has at least three ribs that extend distally from the longitudinal centerline of a single-piece skeleton and that the outer surface is injection molded enclosing the single-piece skeleton. Thus, Abbenhouse et al. does not teach these limitations as disclosed and claimed in the present application.

The Sweetland reference does not teach a blade with a single-piece skeleton that has at least three ribs that extend distally from the longitudinal centerline of the skeleton to the outer periphery of the blade to reinforce the blade both longitudinally and laterally nor the above amended limitations. Therefore, the combination of Abbenhouse et al. and the Sweetland do not teach each and every claim element as found in the amended independent Claims 1 and 18.

For the reasons stated above with respect to the Abbenhouse reference in view of the Sweetland reference, and in light of amended independent Claims 1 and 18, Applicant respectfully submits that these two references do not form the basis of a *prima facie* case of obviousness of independent Claims 1 and 18. Therefore, it is believed that Claims 1 and 18 are allowable under 35 U.S.C. §103(a). Claims 2 - 6, 9, 10, and 19 - 22 depend from and include all the limitations of amended Claims 1 and 18, respectively, thus they are also believed to be allowable under 35 U.S.C. §103(a).

#### **Claim Rejection - 35 USC §103(a)**

The Examiner rejected Claims 7-8 under 35 U.S.C. §103(a) as being unpatentable over Abbenhouse et al. in view of Sweetland as applied to Claim 1 above, and further in view of Bruce. Applicant respectfully submits that the Abbenhouse reference in view of the Sweetland, and further in view of Bruce neither forms the basis of nor establishes a *prima facie* case of obviousness.

In addition to the arguments presented herein regarding Abbenhouse et al. and Sweetland, Bruce is a design patent that teaches an ornamental design for a paddle that includes a bent shaft but little else. In addition, Bruce teaches that the offset portion of the shaft incorporates two bends to the shaft at positions internal and external of the gripping section. This places the center axis of the blade behind the users hand during use. By this arrangement, an amount of torque induced twisting is created due to the fact that the axis of the blade does not meet the center line of the gripping section of the grip. Conversely, the present application discloses and claims in Claim 7 an ergonomic shaft and grip design that aligns the center axis of the blade with the center section of the gripping section. This is accomplished in Claim 7 by having a shaft that incorporates three bends to allow for the center line of the blade to line up directly with the center point of the gripping section. These three bends are disclosed and found in Claim 7, particularly, “... *wherein the shaft is bent such that (1) a centerline of a first portion of the shaft is offset from a centerline of a second portion of the shaft by at least one of (i) more than 10 degrees and (ii) less than 17 degrees, and (2) a centerline of a third portion of the shaft bisect the center portion of the first portion of the shaft.*” These three bends provide that the center line of the blade lines up directly with the center point of the grip, thus decreasing the amount of torque induced twisting common in the design taught by Bruce.

For the reasons stated above with respect to the Abbenhouse reference in view of the Sweetland reference, and further in view of Bruce, and in light of amended independent Claim 1 Applicant respectfully submits that these references do not form the basis of a *prima facie* case of obviousness of independent Claim 1. Therefore, it is believed that Claim 1 is allowable under 35 U.S.C. §103(a). Claims 7-8 depend from and include all the limitations of amended Claim 1, thus they are also believed to be allowable under 35 U.S.C. §103(a).

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2816, under Order No. 022306.0101PTUS from which the undersigned is authorized to draw.

Dated: 3/5/08

Customer No. 41434

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